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GENERAL AND REVENUE SECRETARIAT.

1906

(Legislation)

File No. 38

Serial Nos. 1-5

Papers Filed.

Month January 08.

SUBJECT.

The claim of the K. G. F. Mining Board for the unwrought gold & mining material seized and produced before the Courts of the State

PREVIOUS REFERENCES.	LATER REFERENCES.
A' Collection 38-06 Serials 1-5	

Legis 38-06

SUBJECT No. 324.

Confiscation of stolen gold.

Mr. Charles H. Richards, Kolar Gold Field Mining Board.

Summary of discussion.—Again urges Government to recognise the Mining Board's right to receive all gold which has been stolen from the Kolar Field and after recovery has been confiscated to Government.

Reply of Government.—Government have decided in their Proceedings No. J. 930-32—Legis. 38-06-1, dated 25th September 1907, that the claim is inadmissible and that the value of confiscated gold should be credited to Government. Special steps will be taken in consultation with the Mining Board for the proper prosecution of important cases of theft of gold and other mining material.

J. Mis 92.

J. d. K. Dewar

Secy. The Board's representation to pay them some compensation to recoup the [illegible] which they have incurred for special prosecutions, duce made by them was submitted to Secretary some time back. This may perhaps be submitted in continuation.

DKD 20/12/07

SW 21-12-07

Submitted

Secy) 23.12.07 DKD

Dewar: The file has been submitted already.

RT 28-12-07

24/12

This has since been returned with Dewar's order.

HR

Confiscation of stolen gold.—The Board wish to urge Government to recognize their right to receive all gold stolen from the Kolar Field, which has been recovered and confiscated to Government. That such gold is the property of one or more of the Mines on the Field is undoubted, but because it cannot be recognized by any one of the Mines as its own particular property, such gold is confiscated, even though the combined owners are anxious that it should become the common property of the Mines to be used in part payment of the heavy legal expenses they have to incur in carrying out the prosecution of the thieves. Since the beginning of the year 1902 the expenses referred to have been as follows :—

				Rs.	a.	p.
1902	...	...	...	5,807	0	0
1903	...	...	...	11,305	9	2
1904	...	...	...	22,493	4	11
1905	...	...	...	8,293	2	0
1906	(paid to date)	...	...	4,128 10 0		
,,	due, say	...	...	2,000 0 0		
				6,128	10	0
			Total ...	54,027	10	1

Thus in five years over half a lakh of rupees has been spent by the Board in conducting prosecutions. Up to the present the attitude of Government with regard to the stolen gold can hardly be said to be helpful to the Mines. I may instance a case, the details of which are too long to give here, in which the Board has been put to an expense of Rs. 2,000 to prevent the confiscation to Government of a piece of sponge gold worth about Rs. 60, notwithstanding that the gold was proved to the satisfaction of the Special Magistrate on the Field to belong to a certain Mine. This confiscation was made merely on the ground that it was possible for the piece of gold to have belonged to one of the other Mines none of whom wished to claim it. To you, Sir, the Board appeal asking earnestly and most respectfully that the Government will waive their claim to gold stolen from the Kolar Field, or, if the confiscation is a legal necessity, that the Government will graciously be pleased to return the gold to the Mines through the Mining Board.

Dewan's reply to the above

The subject of the return of confiscated gold to the Mining Board is engaging attention and an early decision will be arrived at after a careful consideration of the important legal and other principles involved in the question.

Noted The Resident has been written to Dewan Sahib that the Darbar do not see the propriety of returning such gold to the Mining Board, & this may be filed with the other papers

11/11/06 20/11/06

27/11

Rough Draft

Dear Mr. Rennie,

I have to acknowledge the receipt of your D.O. letter No.7141 of the 16th December 1906 regarding the claim put forward by the Kolar Gold Field Mining Board to receive stolen gold and mining materials produced before courts in connection with criminal cases. The Durbar are gratified that the H[illegible]le the Resident has decided not to pr[illegible]m on behalf of the Mining Bo[illegible]r.

2. With regard to the suggestion contained in the third para of your letter, I may say that the Durbar have always accepted the principle that the Crown (His Highness' Government) is the prosecutor in all cognisable cases, and that private parties should not be left to conduct their prosecution. They are also fully alive to the importance of affording special assistance and protection to the mining industry on the Kolar Gold Field, and with this object they have entertained a much larger Police Force on the Field than would otherwise have been necessary, for preventing and detecting crime and for prosecuting criminals. The Durbar will welcome co-operation on the part of the Mining Companies or the Mining Board or other interested party in the prosecution of gold thefts cases before the Courts of the State, and will be glad to instruct their officers that suggestions from the Mining Board for the adoption of any special measures that may be deemed

necessary in connection with the prosecution of ~~any particular~~ case should receive attentive consideration. The Durbar must of course be the sole judge as to whether any, and if so what, special measures at the cost of the State are necessary in any particular case; and it must be distinctly understood that where the Mining Board chooses to take special or additional measures of its own initiative and without reference to the Durbar, the cost of such measures must be borne by itself. ~~Just as in the case of the special detective establishment employed at the cost of the Mining Companies on the Fields.~~ With these reservations, which I am sure the Hon'ble the Resident will accept as reasonable, the Durbar will be glad to avail themselves of the advantage of the co-operation of the Mining Board with the agency appointed by the Durbar for the conduct of prosecutions before Courts of the State.

and the Concurrence of

H.H.M
31/1/07

G.R.S. 261

File No.

Serial No

Diary No. of letter replied to _____

No.

General and Rev. Secretariat

( )

, the 190 .

To 1) The Controller of the Kolar Dist.

2) The S.P. of Police in Mysore

Date of issue

Signed by

Order

~~In~~

~~I am directed to state~~

~~that~~ The Govt. have had under ~~the~~ their consideration the representation made by the Kolar Gold Fields Mining Board, in the return to the Board of Gold and other mining materials procured in connection with Criminal cases, in consideration of the heavy legal expenses the Board has to incur in the prosecution of ~~their cases~~ such cases. It has been decided that the request in the representation of

over.

SUBJECT.

the confiscated gold to the Mining Board is inadmissible, ~~and~~ at the same time fully recognize their responsibility for the prosecution of all Cognizable cases under which category ~~Gold~~ thefts of Gold fall

~~On the principle that the Crown~~ (His Highness' Government) is the prosecutor in all cognizable cases, the Govt. ~~of His Highness the~~ Maharaja are obviously as much interested ~~concerned~~ in prosecuting Gold-theft- cases as any other class of Cognizable crime and ~~consider~~ that private parties should not be left to conduct their prosecution. The Govt. ~~Darbar~~ are also fully alive to the importance of affording special assistance & protection to the mining industry on the Kolar Gold Fields and it is with this object that they have entertained a much larger & a more highly organized Police Force on the field than would otherwise have been necessary for preventing & detecting crime and

The Govt of His Highness by virtue of its being the prosecutor in all Cognizable Cases see that thefts of Gold which come under that category are properly prosecuted in common with other Cognizable Cases. But in consideration of the importance of the Case they will be glad

List of enclosures,

Copied by

Examined by

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GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

prosecuting Criminals. The Govt will, therefore, welcome cooperation on the part of the Mining Companies or the Mining Board or other interested parties in the prosecution of Gold-theft cases before the Courts in Mysore. The Deputy Commissioner of Kolar is [illegible] to require [illegible] to give due consideration to suggestions from the Mining Board for the adoption of any special measures deemed necessary in the prosecution of cases. The Govt will of course be the sole judge as to whether any and if so what special measures, at the cost of the State, are necessary in any particular case, it being distinctly understood that where the Mining Board chooses to take special or additional measures of its own initiative and without reference to Govt and

without their consent
~~[illegible]~~, the
cost of such measures must
be borne by the ~~[illegible]~~
Mining Board itself.
In every case in which
~~it is~~ considered ~~by~~ proper
that Govt should defray
all the expenses of prosecution
~~the Attorney General is expected to~~ to submit
a recommendation ~~in that behalf~~
for sanction. ~~A draft is~~

[illegible]
Secy

24/2/10

To the Attorney General
The Solicitor
The Comptroller

for information, guidance, & in
a request that the
~~[illegible]~~ of the order may be communicated
to the Mining Board

X

1 file containing D.Os & H.Os ~~orders~~ &c -

2 Def: File No 5 of 1905.06.

3 Confl file No 142 re Amendments to Mines Regs. -

4 Govt File No 43 of 1904.05.

5 File No 3 of 1905.06.

6 Three other Misc: file bearing no numbers. -

X

The following files re-lating to the return to the Mining Board of unwrought Gold Seized or produced be-fore Courts, are re-submitted -

The two D.Os, one to the Honorable the Resident and the other to the First Assistant Resident, have been issued - (No 312 & 313 of 15.11.06)

CSB
16/4/06